

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Judith Le	Team: Squad #8	CCRB Case #: 201608412	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 10/03/2016 1:45 PM	Location of Incident: 2828 Stillwell Avenue (front of Environmental Operations parking garage)	Precinct: 60	18 Mo. SOL 4/3/2018	EO SOL 4/3/2018	
Date/Time CV Reported Mon, 10/03/2016 5:22 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 10/03/2016 5:22 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DI William Taylor	00000	914984	060 PCT
2. SSA Ruben Duque	01068	919931	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Richard Cohen	01933	905584	060 PCT
2. POM Richard Scannell	01571	961254	060 PCT
3. POM Michael Masella	17222	958888	060 PCT
4. POM Andrew Sentouktsi	02529	952227	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A. DI William Taylor	Abuse: Deputy Inspector William Taylor stopped the vehicle in which § 87(2)(b) was an occupant.	
B. DI William Taylor	Abuse: Deputy Inspector William Taylor threatened to arrest § 87(2)(b)	
C. DI William Taylor	Abuse: Deputy Inspector William Taylor searched the vehicle in which § 87(2)(b) was an occupant.	
D. DI William Taylor	Abuse: Deputy Inspector William Taylor issued a summons to § 87(2)(b)	
E. DI William Taylor	Abuse: Deputy Inspector William Taylor threatened § 87(2)(b) with the use of force.	
F. DI William Taylor	Off. Language: Deputy Inspector William Taylor made remarks to § 87(2)(b) based upon race.	
§ 87(4-b) § 87(2)(g)		

Case Summary

On October 3, 2016 at approximately 1:40 p.m., § 87(2)(b) a § 87(2)(b), was driving to work on Neptune Avenue in Brooklyn when she was cut off by an unmarked black SUV. § 87(2)(b) tried to look at the SUV driver, but could not see anything because of his tinted windows. The SUV then went into the left lane and § 87(2)(b) went into the right lane. When the light became green, § 87(2)(b) turned right and then left into the NYCTA parking garage at 2828 Stillwell Avenue. While in the process of opening the parking garage gate, the black SUV approached § 87(2)(b) and rolled down its window. Deputy Inspector William Taylor, 60th Precinct, was in the driver's seat and Sgt. Ruben Duque, 60th Precinct, was in the passenger's seat. DI Taylor initially sought to find out if § 87(2)(b) was all right, but when she was uncooperative, he pulled behind her vehicle and informed her that he was stopping her for allegedly blocking a pedestrian in the crosswalk (**Allegation A**). DI Taylor asked § 87(2)(b) for her license and registration. In response, § 87(2)(b) repeatedly said, "I can't believe this shit." In response, DI Taylor allegedly said, "You're cursing at me? You're going to jail" (**Allegation B**). After DI Taylor obtained § 87(2)(b)'s license and registration information, § 87(2)(b) asked DI Taylor if he could move his car because there were three refuse trucks trying to enter the parking garage, whose entrance they were blocking. DI Taylor replied that he would not move and § 87(2)(b) began to argue that it was unsafe for the refuse trucks to be on the street. DI Taylor told § 87(2)(b) to shut her mouth and then allegedly reached into her car, turned off her ignition, pulled out her keys and put them on top of his SUV (**Allegation C**). DI Taylor then called for backup and Sgt. Richard Cohen, PO Richard Scannell, PO Michael Masella and PO Andrew Sentouktsi of the 60th Precinct arrived. DI Taylor then approached § 87(2)(b) and they began arguing. DI Taylor told § 87(2)(b) that if she kept yelling, he would issue her another summons. She continued to yell and he wrote her an additional summons for disorderly conduct (**Allegation D**). DI Taylor then allegedly got in § 87(2)(b)'s face and stood so close that their stomachs were touching (**Allegation E**). § 87(2)(b) stood still and did not say anything, and as DI Taylor moved away, he purportedly said, "You want to act like an animal? I'll treat you like an animal" (**Allegation F**).

There is no video footage capturing this incident.

§ 87(2)(g)

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(g)
- A search of BADS revealed that § 87(2)(b) has no prior criminal convictions (see Board Review #1).

- § 87(2)(a) 160.50 [REDACTED]

- A notice of claim was filed on February 23, 2017. Results will be added upon receipt.

Civilian and Officer CCRB Histories

- DI William Taylor has been a Member of Service for 21 years. Between October 18, 1996 and November 16, 2015, DI Taylor was the subject of 31 allegations in 14 complaints. None of these allegations were substantiated and these allegations do not show a pattern. § 87(2)(g) [REDACTED]
- In case #201603100, on November 17, 2016, § 87(2)(b) [REDACTED] alleged that during a community meeting, DI Taylor referred to people who ride their bicycles on the Coney Island Boardwalk as “assholes.” DI Taylor stated that he has no memory of this interaction, though he knows § 87(2)(b) [REDACTED] from other interactions.
- In case #201603928, on May 3, 2016, DI Taylor was off-duty, but conducting patrol in a department-issued unmarked vehicle, stopped a vehicle driven by § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED]. During the vehicle stop, DI Taylor allegedly stated, “Put your fucking hands out of the window,” “You niggers are not going to be doing what you do in Queens,” and “Keep that shit in Queens.” DI Taylor denied making these statements. One allegation of abuse (frisk) and one allegation of abuse (search of person) was substantiated and returned Board Dispositions of Substantiated (Command Discipline B); the NYPD disposition is pending.
- In case #201603967, on April 30, 2016, an independent witness who was filing a UF-61 at the 60th Precinct stationhouse observed DI Taylor yelling at a group of unidentified individuals, “This is my fucking beach, and you come in here with snakes, drinking without IDs. You all will be arrested.” The complainant withdrew her complaint.
- In case #201604654, on May 28, 2016, DI Taylor stopped § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] on the Coney Island Boardwalk and summonsed both men for having open containers of alcohol in public. Upon approach of § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED], DI Taylor is alleged to have said, “You guys can’t be drinking in public. You people come here and think you can do whatever you want to do. You don’t do this in your fucking neighborhood.” DI Taylor said he did not recall if he stated the alleged profanity.
- In case #201605639, On March 25, 2016, DI Taylor summonsed § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] for disorderly conduct and § 87(2)(b) [REDACTED] on the Coney Island Boardwalk. Video evidence depicts DI Taylor saying, “He told you to step the fuck back, now step the fuck back.” The video also depicts § 87(2)(b) [REDACTED] asking DI Taylor why he is using profanity, to which DI Taylor responds, “cuff him.” § 87(2)(b) [REDACTED] alleged that DI Taylor stated the following: “I ain’t going to have this fucking shit here,” “There is no fucking alcohol on the boardwalk,” “Everyone needs to get the fuck off of the boardwalk,” and “Shut the fuck up.” DI Taylor only acknowledged using the profanity that was caught on

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camera and only after viewing the video footage. Two allegations of discourtesy (word) were substantiated with Board Dispositions of Command Discipline A; the NYPD disposition is pending.

- In case #201605639 (second incident date, same case as above), on an unknown Saturday in April of 2016, DI Taylor allegedly hit cups out of people's hands and carried these cups down the boardwalk. § 87(2)(b) allegedly confronted DI Taylor regarding this activity and DI Taylor allegedly stated, "I don't give a fuck what you do. Do whatever the fuck you want to do." "What the fuck did you say?" "I thought I fucking told you that there was no fucking drinking on the boardwalk" "Do you want me to write you another fucking summons?" DI Taylor did not acknowledge saying this.
- In case #201605639 (third incident date, same case as above), on June 25, 2016, DI Taylor summonsed § 87(2)(b) for disorderly conduct and allegedly said, "I don't give a fuck what you do. Do whatever the fuck you want to do" and "What the fuck did you say?"
- In case #201606428, on July 15, 2016, DI Taylor approached § 87(2)(b) on the Coney Island Boardwalk. § 87(2)(b) § 87(2)(b) had a dispute with DI Taylor about his enforcement activity and DI Taylor allegedly handcuffed § 87(2)(b), allegedly brought him to the 60th Precinct stationhouse, summonsed him for disorderly conduct, and had a conversation with him that allegedly contained the following statements: "What the fuck § 87(2)(b)?" "Going to fucking lock you up." "You are going to fucking jail." "You ain't fucking going to record nothing." "Shut the fuck up." "Take him to the fucking precinct." "You don't need a fucking ambulance." "I don't give a fuck about the petition." "There is no fucking drinking on the boardwalk." "I don't give a fuck if you have one leg or two legs." "I am going to run you through the fucking system." "Fucking listening to what I am telling you." "I don't know where your fucking keys are." "Go fucking walk." Allegations of abuse (threat of arrest), discourtesy (word) and abuse (stop) returned Board Dispositions of Substantiated (Command Discipline A); the NYPD disposition is still pending.
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- Sgt. Duque has been a member of service for nineteen years and has been a subject in six previous CCRB complaints, totaling twenty allegations. In CCRB case #201605639, an allegation of discourtesy (word) was substantiated with a Board Disposition of Substantiated (Command Discipline A). The NYPD disposition is still pending. § 87(2)(g)
§ 87(2)(b)
- This is § 87(2)(b)'s first CCRB complaint (see Board Review #5).

Findings and Recommendations

Allegation A - Abuse: Deputy Inspector William Taylor stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B - Abuse: Deputy Inspector William Taylor threatened to arrest § 87(2)(b)

Allegation C - Abuse: Deputy Inspector William Taylor searched the vehicle in which § 87(2)(b) was an occupant.

Allegation D - Abuse: Deputy Inspector William Taylor issued a summons to § 87(2)(b)

Allegation E - Abuse: Deputy Inspector William Taylor threatened § 87(2)(b) with the use of force.

Allegation F – Offensive Language: Deputy Inspector William Taylor made remarks to § 87(2)(b) based upon race.

It is undisputed that on October 3, 2016, § 87(2)(b) was driving down Neptune Ave. in Brooklyn when she encountered DI Taylor and Sgt. Duque. § 87(2)(g)

§ 87(2)(b) (see Board Review #6) testified that after turning left on Cropsey Ave. onto Neptune Ave., she noticed a black Jeep pull up beside her and inch forward. There was construction going on, and cars were merging into one lane. § 87(2)(b) was trying to figure out why the car was trying to cut her off. When the light turned green, the Jeep darted out in front of her and into the left hand lane. § 87(2)(b) went into the right hand lane because she needed to turn right on Stillwell Ave. She turned on her signal and while waiting for the light, looked over at the Jeep to see who the driver was. She couldn't see inside the car. § 87(2)(b) then looked right down Stillwell Ave. and saw three refuse trucks trying to go into the NYCTA parking lot on Stillwell Ave. § 87(2)(b) noted that she works as a § 87(2)(b) and wanted to get the trucks off the street because it was a safety hazard since they often took up a lane and a half of traffic. When the light turned green, § 87(2)(b) looked to her right and saw that there was no one there. She looked to her left and saw a guy just coming off the curb, two lanes away. She made a right hand turn and turned left into the NYCTA parking lot. She went to open the gate, which has a manual lock and chain, and the refuse trucks, recognizing § 87(2)(b)'s car, waited for her. She was in the process of walking from the gate back to her car when she saw DI Taylor, identified via mediation, sitting in the driver's seat of the Jeep she had seen earlier, next to a man in plainclothes, identified through investigation as Sgt. Duque on Stillwell Ave. § 87(2)(b) stated that from where she was, she could not see a badge. DI Taylor asked her if everything was all right. § 87(2)(b) replied that she did not know what he was talking about. DI Taylor then said, "I'm going to ask you again, is everything all right here? Is there a problem with you?" § 87(2)(b) instructed DI Taylor to move on because she had to work. She explained to him that she worked for § 87(2)(b) and needed to let the refuse trucks into the parking lot.

DI Taylor then turned left and parked directly behind § 87(2)(b)'s car. He put on his flashers, jumped out of the car and asked § 87(2)(b) for her license and registration. § 87(2)(b) asked DI Taylor who he was and why he needed her documents. DI Taylor replied that § 87(2)(b) had failed to signal and had blocked a pedestrian in the walkway. § 87(2)(b) told DI Taylor that she did not know what he was talking about—there had only been one pedestrian in the walkway and he was nowhere near her when she was turning. He then asked a second time for license and registration and § 87(2)(b) went to her car, repeating to herself, "I can't believe this shit. I really do not believe this nonsense." DI Taylor heard her talking and said, "You're cursing at me? You're going to jail." § 87(2)(b) told DI Taylor she was not addressing him. He then instructed her to get out of her car. § 87(2)(b) explained to him that he had asked for license and registration and she was not getting out of the car until she retrieved them because she did not want him to say that was noncompliant. She then grabbed her belongings and got out the car. § 87(2)(b) was still saying, "I can't believe this shit. I can't believe this is happening to me right now. I can't

believe these fucking cops.” She estimated that she must have repeated this about fifty times. DI Taylor told § 87(2)(b) at least ten times, “If you don’t shut up. You’re going to jail.”

§ 87(2)(b) said she asked DI Taylor three times to move so that the trucks could come in. The first time he told her he was not moving. The second time § 87(2)(b) told him she was not a flight risk as he had her license and registration and that he needed to move because it was a safety hazard. DI Taylor told her not to worry about it. § 87(2)(b) was yelling and asking the officers why this was happening. DI Taylor told § 87(2)(b) to shut up, then reached into her car, turned off her ignition, ripped out her keys, locked her car and put her keys on top of his Jeep. He then called for backup and six additional cops arrived.

DI Taylor then approached § 87(2)(b) and confronted her about having road rage. § 87(2)(b) told DI Taylor she did not know what he was talking about. DI Taylor told § 87(2)(b) to shut up and got up in her face. He was standing so close to her that their stomachs were touching and she could feel DI Taylor’s spit as he spoke to her. DI Taylor again told her that if she didn’t shut up she was going to go to jail. § 87(2)(b) did not move because she knew DI Taylor was trying to provoke her. DI Taylor then turned to walk away and told her, “You want to act like an animal? I’ll treat you like an animal. Yeah, I said it. And you better shut your mouth and not say a word.”

§ 87(2)(b) replied that DI Taylor was the one acting like an animal. DI Taylor then asked § 87(2)(b) what she was doing at the parking lot and she told him she was a supervisor. He told her he was going to make a complaint against her with the § 87(2)(b). He then handed § 87(2)(b) two summonses: one for disorderly conduct and the other for blocking a pedestrian in the walkway. § 87(2)(b) was then approached by § 87(2)(b), § 87(2)(b). He instructed § 87(2)(b) to respect the cops and § 87(2)(b) replied that DI Taylor needed to respect himself. As they were speaking, DI Taylor tried to approach § 87(2)(b) to tell his side, but then left.

§ 87(2)(b) a § 87(2)(b) (see Board Review #7), stated that he was returning from his refuse route and driving in the far-right lane of Stillwell Ave, with his union representative, § 87(2)(b) seated next to him. He turned on his signal to park into the NYCTA parking facility, but when he saw § 87(2)(b) in the left lane next to him he yielded. § 87(2)(b) turned left towards the parking lot, which he noted was behind a locked gate. § 87(2)(b) was outside her vehicle trying to open the gate when two or three seconds later, an unmarked SUV came down Stillwell Ave., turned behind § 87(2)(b) and put on its rear window flashers. § 87(2)(b) noted that he did not think the SUV was a police car until he saw it turn on its lights. He thought it might be pulling over § 87(2)(b). § 87(2)(b) put his truck into park because he couldn’t go anywhere. He saw a tall white male in uniform, identified through investigation as DI Taylor, get out first and a second plainclothes male, identified through investigation as Sgt. Duque, get out of the passenger side. § 87(2)(b) talked to DI Taylor, but § 87(2)(b)’s window was closed and he could not hear what they were saying. He noted that DI Taylor did not get close to § 87(2)(b). Within a few minutes, additional police cars arrived and § 87(2)(b) and § 87(2)(b) got out and stood behind the truck to smoke. § 87(2)(b) stood facing Neptune Ave and had one or two cigarettes. About fifteen minutes later another refuse truck showed up. Although § 87(2)(b) could hear a commotion, he could not make out what was being said. He noted that while there was some foot traffic, it was mostly transit workers. He did not believe a crowd formed. He estimated the incident took approximately 30 minutes.

§ 87(2)(b) a § 87(2)(b) (see Board Review #8) stated that he was leaving work when he saw his coworker, § 87(2)(b) and several police cars blocking the driveway to the parking garage. § 87(2)(b) noted that whatever events had occurred prior appeared to be over. § 87(2)(b) approached § 87(2)(b) and asked what happened. § 87(2)(b) was sitting in her car and looking at several tickets. She got out of her car and told him that an officer, identified through investigation as DI Taylor, had been very rude and given her tickets for no reason. She had been driving to work and DI Taylor had been blocking the road. After she went around him, he followed her. § 87(2)(b) described § 87(2)(b)'s demeanor as loud and angry. She was not making any gestures, but her voice was loud. DI Taylor was standing two or three feet away from them and seemed agitated. He was not animated, but his stance seemed to convey to § 87(2)(b) "I'm the authority here." In response to § 87(2)(b)'s conversation with § 87(2)(b) DI Taylor told her, "If you don't shut up I'm going to write you another ticket," and asked for her driver's license. § 87(2)(b) complied. § 87(2)(b) intervened and asked DI Taylor to cut § 87(2)(b) some slack because they were all supervisors. There were some plainclothes officers standing nearby and they gestured a sweeping motion at DI Taylor to let it go. DI did not issue § 87(2)(b) another summons and § 87(2)(b) did not hear DI Taylor tell § 87(2)(b) to shut up or she would go to jail, get in her face or call her an animal. § 87(2)(b) then left.

Summons #§ 87(2)(b) (see Board Review #9) was issued for § 87(2)(b) by DI Taylor for disorderly conduct, section 240.20. No subdivision was provided. The factual allegations state: at the point of stop for a vehicle infraction, motorist began cursing and yelling at the undersigned. A search of E-Courts (see Board Review #2) revealed that the disorderly conduct summons has since been dismissed.

DI Taylor (see Board Review #10) testified that he was driving in his unmarked vehicle with Sgt. Duque in the passenger seat. They were stopped at a red light on Neptune Ave. and either 15th or 16th Street when DI Taylor looked in his rearview mirror and saw § 87(2)(b) "obviously" screaming at him. Although both their windows were up and DI Taylor could not hear anything, he did not know who else she could have been yelling at as she was in the car by herself and her eyes were directed at his car. The light turned green and DI Taylor moved forward. At the intersection of Neptune Ave. and Stillwell Ave, DI Taylor was in the center lane and his intent was to continue straight down Neptune Ave. and return to the precinct stationhouse. § 87(2)(b) pulled up next to him in the right-hand lane, turned her head towards his car and continued yelling and screaming. DI Taylor could not hear what she was saying, but was perplexed. The light then turned green and § 87(2)(b) made a violent right onto Stillwell Ave, startling a male pedestrian who was crossing the street. DI Taylor decided to follow her to see what she would do next, as she was agitated and had almost hit someone. DI Taylor noted that he originally did not intend to conduct a car stop.

DI Taylor followed § 87(2)(b) about a block without turning on his lights or sirens. When they got near Stillwell Ave. and Mermaid Ave., § 87(2)(b) turned left into a garage. As she got out of her car to open the garage gate, DI Taylor rolled down his window and asked her if she all right, because she was angry and agitated. DI Taylor expected § 87(2)(b) to tell him she was having a bad morning, and then he would have left, but instead she went on a profanity laced tirade saying,

“You fucking cops! You motherfucker, you cut me off.” DI Taylor stated that he had not been aware he cut her off, but at that point, decided to stop her for cursing at him and almost hitting a pedestrian. He noted it was a legal car stop.

DI Taylor got out of his vehicle and asked § 87(2)(b) for her ID. She replied, “For what? Why do you want my fucking ID.” DI Taylor explained that he needed her ID because she almost hit a pedestrian. § 87(2)(b) began debating with him, asking what pedestrian and telling him to go check the cameras. After about two minutes she produced her ID. DI Taylor noted that instead of calming down after providing her ID, § 87(2)(b) became angrier and angrier, escalating the situation. She was acting emotionally disturbed because she was pacing back and forth and yelling. DI Taylor did not feel threatened by her. Once DI Taylor got hold of § 87(2)(b)'s ID he determined that she was going to receive a summons for failure to yield to a pedestrian and disorderly conduct, for the way she was acting. DI Taylor noted that he did not decide to issue § 87(2)(b) a disorderly conduct summons until several minutes into their interaction—although she deserved one from the beginning since she was not calming down. DI Taylor stated that it was disorderly conduct for someone to yell at a uniformed police officer in the street. Because DI Taylor did not carry summonses, he requested a car.

At some point, DI Taylor learned that § 87(2)(b) worked for the city of New York. There were three trucks lined up across the street on Stillwell Ave. waiting to get in and § 87(2)(b) stated that she needed to let in the trucks in because it was a safety hazard. She began moving towards her car. DI Taylor noted that he already had § 87(2)(b)'s ID and was not going to let her get back into her car until they were done with their interaction. He added that § 87(2)(b) was acting erratic and like a crazy person and he was not going to let her get back into the car. He explained to her that there was no safety hazard as the trucks were double-parked and instructed her to calm down and step away from her vehicle because she was going to receive a few summonses. § 87(2)(b) replied, “Why are you writing me fucking summonses, you fucking bozo?” DI Taylor then opened § 87(2)(b)'s car door, which was still running, removed her keys and locked the car.

DI Taylor noted that throughout the duration of their interaction, § 87(2)(b) never stopped being angry and was “abusive” and “out of control.” Several times, Sgt. Duque and Sgt. Cohen asked if she should be taken to the stationhouse to complete the interaction because she was out of control. She was cursing and yelling, calling DI Taylor a “fucking Bozo” and asking, “You cops don’t have anything better to do?” DI Taylor said that he was trying not to respond to her. He never got in her face, called her an animal or said he would treat her like one. He did not tell her to shut her mouth or threaten to put her in prison, but stated that he told her that he needed her to calm down so he could issue her two summonses or they would have to finish their interaction at the stationhouse. He also told her that if she did not calm down, she could be placed under arrest for the two offenses. DI Taylor noted that this was not a threat of arrest, but a statement of fact as she was being issued summonses in lieu of arrest. After a couple of minutes, several cars arrived, including Sgt. Cohen, PO Marcella and PO Saluzzi. PO Marcella obtained § 87(2)(b)'s pedigree for the summonses and DI Taylor filled out the rest of the information. A male co-worker, identified through investigation as § 87(2)(b) then came out to speak to § 87(2)(b). As they were speaking, DI Taylor gave § 87(2)(b) the two summonses and she became upset again. DI Taylor told her that she needed to stop yelling and asked for her ID again. He told her that he was going to issue her a second disorderly conduct summons. § 87(2)(b) told DI Taylor that he

would calm her down and DI Taylor said, “Okay,” and then left. He did not issue the second disorderly conduct summons.

Sgt. Duque (see Board Review #11) testified that he and DI Taylor were stopped at a traffic light in the eastbound lane of Neptune Ave. and Stillwell Ave when a car pulled over in the right hand lane next to them with § 87(2)(b) inside. Sgt. Duque had not seen § 87(2)(b)'s car prior, but she drew his attention because her lips were moving and it looked like she was yelling. Sgt. Duque's windows were up and he could not hear what she was saying, but she looked angry and was obviously upset. Sgt. Duque thought there must have been something wrong. The light turned green and § 87(2)(b) sped off. She made a right hand turn on Stillwell Ave. and almost hit a pedestrian who was walking in the street. The pedestrian looked up, startled. Sgt. Duque and DI Taylor decided to follow her because they thought there might be something wrong with her. Mid-block § 87(2)(b) turned left into a MTA facility. DI Taylor, who was in the left, southbound lane on Stillwell Ave., stopped his car about half a block down, perpendicular to the § 87(2)(b)'s car, and rolled down his window. § 87(2)(b) was standing by her open door outside her car. DI Taylor asked her, “Ma’am, are you okay?” She immediately started screaming and yelling, “I know you’re the fucking police. What’s your problem? Why are you harassing me?” Sgt. Duque noted that § 87(2)(b) did not have to answer their question, but they were concerned about whether or not she was okay. Sgt. Duque noted that they thought § 87(2)(b) might have an emotional issue which necessitated help, since she had pulled up next to them and seemed angry for no reason, sped through an intersection and almost hit a pedestrian. If she needed help, then they would assist her, and if not, she was just a reckless driver and they needed to address it. DI Taylor again asked her, “Are you okay?” She would not answer the question. § 87(2)(b) then continued yelling and screaming for “no apparent reason” so they decided to pull her over. DI Taylor put on his sirens and pulled his car behind her.

Sgt. Duque and DI Taylor exited their vehicle. § 87(2)(b) was still yelling and screaming. They explained why she’d been stopped and DI Taylor requested her license and registration information. § 87(2)(b) reached into her car to get her wallet and the paperwork and then attempted to reach back into her car. Sgt. Duque stated that they had her ID and did not know what she was doing and both he and DI Taylor approached § 87(2)(b) and asked her to step away from the car. § 87(2)(b) was compliant, but they decided to secure her vehicle because she was still angry and they didn’t know what was in her car. DI Taylor reached into the car, shut off the vehicle and locked the door. DI Taylor then went on his radio and requested an additional car because he wanted to issue her a summons. Sgt. Duque noted that at the time, he was not equipped with any summonses and DI Taylor did not carry them.

Sgt. Duque characterized § 87(2)(b)'s entire interaction with DI Taylor and himself as disorderly conduct. Sgt. Duque stated that § 87(2)(b) was allowed to yell, but she couldn’t curse and almost hit pedestrians. He could not remember specifically what she was saying, but remembered she said, “Fuck,” a lot. He described her behavior as unnecessary and said that people were not allowed to curse at officers for no reason and create a scene. She and the officers were on the sidewalk and she was yelling and screaming. Sgt. Duque noted that there was a lot of foot traffic in the area because there was a train station and a bus depot. A few people were on the sidewalk and stopped; some kept walking. Sgt. Duque noted that he only conducted a quick glance because he was concentrating on § 87(2)(b) but cars and traffic were slowing down because there was a

MTA truck that couldn't turn in. Sgt. Duque recalled that at some point during their interaction, § 87(2)(b) said that she was trying to move her car to let the truck in, but could not recall when she told them that. Sgt. Duque noted that § 87(2)(b) mainly spoke to DI Taylor, who stood approximately three to four feet from her. He stated that DI Taylor never got in her face. Sgt. Duque instructed § 87(2)(b) to stop yelling. At some point, DI Taylor said, "Enough of this. We're not taking this anymore. You're going to get you're summonses. Either you be quiet and we leave or we're going to finish this in the precinct." Sgt. Duque explained that the precinct was a controlled environment and they would not have to deal with the crowds or the cars moving and could give her the summonses there. DI Taylor never threatened § 87(2)(b) with jail or arrest. Sgt. Duque never head DI Taylor call her an animal. About five or ten minutes later, backup arrived. Sgt. Cohen, the Patrol Supervisor and his driver showed up. Sgt. Duque could not recall if DI Taylor told § 87(2)(b) if she kept yelling he would give her a summons, but noted that she was issued two summonses: one for failure to yield to a pedestrian and the other for disorderly conduct. Sgt. Duque stated he could understand why DI Taylor would issue her a disorderly conduct summons given the scene that she was making by yelling and cursing which caused people walking by to stop. He noted that this also created a hazard for the officers. Sgt. Duque noted that § 87(2)(b) was making such a scene her coworker came out; Sgt. Duque and DI Taylor spoke to him and may have asked him to calm her down. She was still speaking to her coworker when they got back into their car and left.

Sgt. Richard Cohen of the 60th Precinct (see Board Review #12) stated that he and his operator, PO Saluzzi, received a radio call to meet DI Taylor at a car stop. When they arrived they saw DI Taylor and § 87(2)(b) on the street. He did not recall seeing any refuse trucks. DI Taylor was there by himself and did not have an operator. Sgt. Cohen did not know why DI Taylor had made the car stop, but § 87(2)(b) was yelling, screaming and cursing him out. Sgt. Cohen immediately went to DI Taylor who told him that he wanted one of the officers to give him a summons, which he wanted to fill out himself. Sgt. Cohen stated that § 87(2)(b) did not make any attempts to speak to him and he did not speak to her. She was telling DI Taylor that he was a "fucking idiot," a "fucking asshole" and didn't know what he was "fucking doing," and was "fucking stupid" and should learn how to be a cop. She accused him of stopping her for no reason because she didn't do anything wrong. She was acting loud and boisterous. Sgt. Cohen stated that people are not allowed to curse at police officers. Sgt. Cohen then consulted with counsel and upon his return, clarified that general cursing had to be accompanied by upsetting the peace, such as loud and boisterous behavior, and obstructing traffic to constitute disorderly conduct. Because § 87(2)(b) was yelling and cursing, a crowd had formed, obstructing vehicle and pedestrian traffic, causing pedestrians to stop and cars to slow down. DI Taylor asked § 87(2)(b) to be quiet and stop cursing, but did not threaten her with jail. DI Taylor asked her for her license and registration, but he did not recall if she had to reach into her car to get the paperwork. Sgt. Cohen believed that PO Masella gave DI Taylor a summons. While DI Taylor was writing the summons out, § 87(2)(b) was standing a few feet from him, still yelling and cursing. At that point DI Taylor told her to stop cursing and she didn't. He instructed Sgt. Cohen her to run her name for warrants, which he did right there on his phone. The warrant check results were negative. DI Taylor then told § 87(2)(b) that if she cursed at him again, he was going to give her another summons. She cursed at him again and then at that point, DI Taylor wrote her another summons for disorderly conduct. While he was writing the summons, § 87(2)(b) started getting very loud and belligerent and a crowd of about ten people assembled on the sidewalk. Sgt. Cohen instructed the people to move

on and they did. Sgt. Cohen asked DI Taylor if they should handcuff § 87(2)(b) since she was being loud and potentially threatening, and bring her back to the stationhouse to get her away from the crowd. DI Taylor declined. DI Taylor got closer to the woman when he gave her two summonses, one for disorderly conduct and another for traffic infractions, but did not get in her face. Sgt. Cohen did not hear DI Taylor refer to the woman as an animal. At that point, one of her coworkers came out because she worked at § 87(2)(b) and they started talking. He was telling her to show respect to the police. At first she calmed down and then got upset again. DI Taylor did not try and speak to her coworker. While they were speaking, he and DI Taylor left.

PO Richard Scannell of the 60th Precinct (see Board Review #13) stated that he, PO Sentouktsi and PO Masella responded to a call for a car at 2838 Stillwell Ave. and when they arrived, there appeared to be a car stop. DI Taylor was there with his driver, Sgt. Duque, and Sgt. Cohen was there with his driver, PO Saluzzi. PO Scannell noted that he arrived on scene after § 87(2)(b) had been stopped, and did not see DI Taylor ask the woman for her paperwork or go into her car. DI Taylor was already talking to § 87(2)(b). PO Scannell did not see anyone else on scene. PO Scannell noted that during the course of the incident, traffic was not obstructed. The officers parked their RMPs on the side of the street to allow traffic to go freely. There were no bystanders present. He did not recall seeing any refuse trucks waiting. PO Scannell had no idea why § 87(2)(b) was stopped, but she was irate and screaming at DI Taylor. PO Scannell could not specifically remember what she was saying. DI Taylor just stood about three feet in front of her. PO Scannell could not recall DI Taylor getting closer to § 87(2)(b). He could not recall DI Taylor saying anything to her, telling her to be quiet or to shut her mouth or he would arrest her. About ten minutes after arriving, DI Taylor asked for a B, or traffic, summons and a C, or criminal court, summons. PO Scannell stated that § 87(2)(b) had originally been pulled over for a traffic violation, but he did not know why DI Taylor was issuing her a C summons. He assumed it was because she was screaming. He could not recall if he heard DI Taylor tell § 87(2)(b) if she cursed at him one more time he would issue her a summons. PO Masella handed DI Taylor both summonses. DI Taylor then wrote on them and gave them to the woman. PO Scannell did not hear DI Taylor call § 87(2)(b) an animal or say she was acting like an animal. About two minutes after the summonses were issued § 87(2)(b)'s boss came out and instructed her to apologize to DI Taylor. PO Scannell thought that DI Taylor might have said something to him, but could not recall.

PO Michael Masella of the 60th Precinct (see Board Review #14) testified that upon arriving to the scene, he, PO Sentouktsi and PO Scannell parked across the street. He saw a black female, identified through investigation as § 87(2)(b) DI Taylor and Sgt. Duque. He did not know the cause of the stop. Although there was always a lot of vehicle traffic on Stillwell Ave., their vehicles were not blocking traffic. PO Masella noted that there was also not a lot of foot traffic near 2828 Stillwell Ave., as the majority of foot traffic was near Mermaid Ave. where the subway entrance was. From where PO Masella was standing he could hear some parts of DI Taylor's conversation with § 87(2)(b). He did not see DI Taylor reach into her vehicle. PO Masella described § 87(2)(b) as very irate. She was saying things like, "Who the fuck are you—why the hell are you stopping me?" Her voice was elevated and she was pacing back and forth. DI Taylor was standing about three to four feet away from § 87(2)(b) and told her she was being very loud. DI Taylor asked her to settle down. PO Masella said did not hear DI Taylor tell § 87(2)(b) that if she didn't shut up she would go to jail or see him get in her face. PO Masella first provided DI

Under NY VTL §1151, Failure to Yield to a Pedestrian, even when there is no traffic signal or working signal, a driver must yield to a pedestrian crossing within a crosswalk (see Board Review #15).

§ 87(2)(g)

Under Patrol Guide Procedure 209-01, a uniformed member of the service is authorized to issue a summons instead of arresting the violator for misdemeanors or violations, including for vehicle and traffic law and penal law violations (see Board Review #16).

§ 87(2)(g)

[REDACTED]

Under CPL §140.50 (1), a police officer acting on reasonable suspicion that criminal activity is afoot and on an articulable basis to fear for his own safety may intrude upon the person or personal effects of the suspect only to the extent that is actually necessary to protect himself from harm while he conducts the inquiry (see Board Review #17).

§ 87(2)(g) [REDACTED]

Under PL §240.20(1), a person commits disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she engages in fighting, violence tumultuous or threatening behavior. Under PL §240.20(3) a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, in a public place, he uses abusive or obscene language or makes an obscene gesture (see Board Review #18). In *New York v. Square*, 872 NYS 2d 693 (2008), the court further defined PL §240.20(3), holding that Defendant’s sole statement, “You have no right to touch me,” is neither abusive nor obscene. Analyzing PL §240.20(1), the court stated that, “The mere expression that one feels aggrieved by the police—even when uttered in a loud voice—cannot constitute an offense . . . the gravamen of disorderly conduct is conduct that provokes, or risks provoking a ‘breach of peace’ or ‘public disturbance. . .’ In deciding whether an act carries public ramifications, courts are constrained to assess the nature and number of those attracted, taking into account the surrounding circumstances, including, of course, the time and the place of the episode under scrutiny” (see Board Review #19).

§ 87(2)(g) [REDACTED]

[REDACTED]

Under Patrol Guide Procedure 221-01, force may be used when it is reasonable to ensure the safety of a member of the service or a third person. In all circumstances, force must be reasonable under the circumstances (see Board Review #20).

§ 87(2)(g) [REDACTED]

Patrol Guide Procedure 203-10 states that an officer is prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity or race (see Board Review #21).

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

Squad: 8

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

